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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,219	06/28/2006	Krister Hansson	TPP 32005	9825
74217 7590 03/30/2009 NOVAK, DRUCE + QUIGG L.L.P. - PERGO 1300 Eye Street, N.W. 1000 West Tower Washington, DC 20005				
EXAMINER				
TOLIN, MICHAEL A				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
03/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/580,219

Applicant(s)

HANSSON ET AL.

Examiner

MICHAEL A. TOLIN

Art Unit

1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4,6-9,16 and 17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791

/Michael A Tolin/
Examiner, Art Unit 1791

Continuation of 5. Applicant's reply has overcome the following rejection(s): The new matter rejection of claims 10-14 and 18-20 under 35 USC 112, first paragraph, has been overcome by the cancellation of these claims.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the examiner's key position is that it would have been obvious to combine the amino containing printing ink of Sano with the Hansson reference, as modified by either of Arledter or Mott, in order to improve the bonding between the printed decorative layer and the wear layer. However, this is not the position that the examiner has taken. The examiner's position is laid out on pages 3 and 4 of the office action mailed 28 September 2007, wherein the examiner explains that Hansson prefers inkjet printing in the manufacture of a decorative laminate and Sano teaches an inkjet printing composition possessing a variety of desirable characteristics and including the claimed amino resin. The examiner further asserted that the claimed improvement in bonding is an inherent characteristic of Sano's ink because the ink composition taught by Sano is essentially the same as that which is claimed. Applicant also argues that none of the prior art suggests the claimed improvement in bonding. While this may be true, as noted above, the claimed improvement in bonding is considered inherent in Sano's ink composition. Applicant's recognition of additional properties of Sano's ink composition not recognized by the prior art cannot be the basis for patentability where there is a clear suggestion to use Sano's ink composition in the claimed invention. Here, the motivation to use Sano's ink composition comes from Hansson's teaching of inkjet printing in the production of a decorative laminate and Sano's teaching of an inkjet ink composition having a variety of desirable characteristics. Applicant argues there is no inherency until one combines an amino resin containing ink with the claimed wear layer. First, the ability to improve bonding to a particular wear layer is an inherent property of the ink composition itself. Second, the use of phenol formaldehyde and urea formaldehyde resins in the wear layer is considered obvious in view of Arledter or Mott for the reasons provided on page 3 of the previous office action mailed 20 November 2008. Applicant argues the improvement in bonding is unexpected. While the examiner acknowledges that the specification explains that the invention is characterized in that an amount of amino resin is mixed into the printing ink in order to increase the bond between the decorative layer and the wear layer, this recognition must be weighed against the motivation to use such a printing ink in the production of a decorative laminate. In the instant case, the examiner's position is that Sano provides strong motivation to use the claimed ink composition in the process of Hansson. In particular, Sano teaches excellent printing stability, ejection stability, storage stability and excellent color reproduction. Accordingly, Applicant's recognition of improved bonding does not outweigh the strong motivation provided in Sano to use the claimed ink composition as the inkjet printing ink suggested by Hansson.